



MOTION PICTURE ASSOCIATION OF AMERICA, INC.
1600 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
(202) 293-1966

Written Testimony of

Vans Stevenson

Senior Vice President

State Government Affairs

Before

The Committee on Public Health

Public Hearing

In Opposition to Raised Bill No. 5458

An Act Concerning Maximum Decibel Levels

Wednesday, March 2, 2016

State Capitol

Hartford, Connecticut

The Motion Picture Association of America, Inc. (MPAA) and its member companies¹ respectfully oppose RB No. 5458, a bill that would create a new statewide program to regulate the maximum sound volume of motion picture trailers and motion pictures. It would also require movie theaters to post signs warning patrons of the possibility of harmful noise in the theater.

MPAA respectfully opposes this legislation because we submit it is unnecessary and undermines voluntary standards adopted by our member companies and their theatre partners in 1999 to set appropriate sound levels in theatres for both trailers as well as theatrical presentations. RB 5458 also raises constitutional issues. If enacted, state government would regulate how a motion picture trailer and the feature itself is presented, which contravenes the First Amendment.

"The TASA Standard" is an audio standard that was primarily developed for motion picture trailer volume. It was developed by the Trailer Audio Standards Association at the request of The National Association of Theatre Owners (NATO) to address audience complaints about excessively loud trailers.

The TASA Committee, comprised of trailer finishers from MPAA member company studios, as well as representatives from Dolby, DTS, SDDS, NATO and the MPAA, met over the course of two years to refine the standard. The TASA Standard was adopted by all of the studios as well as the MPAA by April 1st, 1999.

Innovations as the result of the introduction of digital sound created a much broader range of volume level over what was previously possible in the analog format. Members of TASA, working closely together on this issue over recent years, have taken significant steps to voluntarily reduce volume levels. TASA created a uniform system that lowered the permitted volume of trailers to 85 "LEQm," and it developed a scientific way to

¹ The Motion Picture Association of America, Inc. includes: The Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal Studios LLC; and Warner Bros. Entertainment Inc.

measure the sound levels of the whole trailer in order to make adjustments for increases in volume. It is important to note that all trailers are measured by an independent lab for certification. Without that certification, trailers are not approved to play in theaters. As technology continues to evolve, TASA also continues to work on improving and evolving its rules to ensure that the volume of trailers is both safe and comfortable for theatre patrons.

The TASA measuring technique called "LEQm" quantifies sound with an emphasis on the sound frequencies that are the most annoying to audiences. Not all "loud" sounds irritate an audience to the same extent. The irritability of sounds to an audience is frequency and duration specific. For example, breaking glass at 85 decibels is far more irritating to an audience than a foghorn at 85 decibels. Rather than simply measuring "volume," the standard seeks to measure "annoying volume."

As previously indicated, the TASA Standard has been voluntarily adopted by all of the MPAA member companies. All motion pictures rated by the Classification and Rating Administration (CARA) must be submitted to the MPAA's Advertising Administration for approval. The MPAA will only approve theatrical trailers certified as TASA compliant. Specifically, the MPAA must receive a "TASA Certificate" from an "Independent Audio Engineering Firm." This certificate verifies that a trailer does not exceed the TASA Volume Limit in effect at the time of the sound mix.

The TASA Upper Volume Limit is subject to change, and may be refined periodically by the MPAA studios in cooperation with the National Association of Theatre Owners (NATO).

For the reasons specified, MPAA and its member companies urge that the bill be defeated.

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